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HOUSE MEMORIAL 12

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Debbie A. Rodella

A MEMORIAL

REQUESTING A STUDY ON THE NEED FOR PROBATION SERVICES IN THE
MAGISTRATE COURTS.

WHEREAS, magistrates have jurisdiction in all criminal
cases of misdemeanors and petty misdemeanors, including
offenses under local ordinances; and

WHEREAS, magistrates adjudicate most of the offenses
committed for driving under the influence of intoxicating
liquor or drugs and for domestic violence; and

WHEREAS, magistrates see many offenders return to their
courts on the same or similar offenses; and

WHEREAS, depending on the offender and the nature of the
offense, magistrates may impose a suspended or deferred
sentence and require community service, treatment, education,
installation of an ignition interlock device or other

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1 conditions of probation; and

2 WHEREAS, magistrates are unable to determine whether an
3 offender has complied with the conditions of probation because
4 no probation services are available for the magistrate courts;
5 and

6 WHEREAS, without probation officers to supervise those on
7 probation, the orders of magistrates are rendered meaningless
8 and without force; and

9 WHEREAS, the misdemeanor compliance program was enacted in
10 2000 to allow counties to alleviate the problem of unsupervised
11 probation in the magistrate courts, but the program has been
12 either insufficiently funded or is not viable in many counties;

13 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
14 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the
15 administrative office of the courts be requested to convene a
16 task force that includes a representative from the adult
17 probation and parole division of the corrections department,
18 the magistrate judges association and other relevant and
19 interested entities or organizations to study the extent of and
20 explore methods for addressing the need for probation services
21 in the magistrate courts; and

22 BE IT FURTHER RESOLVED THAT the administrative office of
23 the courts report to the appropriate interim legislative
24 committee on the recommendations of the task force, including
25 any recommendations for a pilot project, no later than November

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2008; and

BE IT FURTHER RESOLVED THAT a copy of this memorial be transmitted to the administrative office of the courts.